

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Revision No. 661 of 1993
Date of Decision: January 07,2010

Hamid Ali

.....Petitioner

Versus

State of Haryana

.....Respondent

Coram: Hon'ble Mrs. Justice Sabina

Present: Mr.Vishal Malik, Advocate for the petitioner.
Mr.Gaurav Dhir, Deputy Advocate
General, Haryana

Sabina, J.

Petitioner was convicted under Section 363 of the Indian Penal Code ('IPC' for short) vide judgment dated 3.5.1991 by the Judicial Magistrate Ist Class Panipat. Vide order of even date, petitioner was sentenced to undergo rigorous imprisonment for a period of three years. . Aggrieved by the same, petitioner preferred an appeal and the same was dismissed and the sentence of three years imposed by the trial Court was reduced to two years by the Additional Sessions Judge, Panipat vide judgment dated 20.9.1993. Hence, the present revision petition.

The brief facts of the case, as noticed by the Appellate Court in paras 2 to 4 of its judgment, are as under:-

“2. The brief facts relevant for the disposal of the present appeal are that Kamlesh Rani (PW4) wife of Vijay Kumar Malhotra is the daughter of Krishna Devi sister of Darshan Lal complainant PW1. Kamlesh Rani has been residing at Panipat and has one son and one daughter. Manu aged two and a half years is the name of son of Kamlesh Rani.

3.The version factually alleged against the appellant, in brief, in so far as relevant was that on 14th May, 1987 Darshan Lal PW1 was sitting in the house of Kamlesh Rani PW4. Her son Manu was playing in street. In the meantime at about 5.30 P.M. appellant came and lifted Manu in his lap and run away. Manu cried. After hearing his screams, Ashok Kumar PW2 and Om Parkash son of Ram Kishan followed and apprehended the appellant along with the child. In all, it has been alleged that the appellant had kidnapped Manu minor son of Kamlesh Rani. On the basis of aforesaid allegations, the present case was registered against the appellant on the basis of statement Ex.PA of Darshan Lal PW1.

4.After completing all the Codal formalities, the appellant was charge sheeted and was put to trial.”

Learned counsel for the petitioner, during the course of arguments, has not challenged the conviction of the petitioner under Section 363 IPC but has submitted that the sentence qua imprisonment be reduced to already undergone by the petitioner. Learned counsel has further submitted that the petitioner was suffering from schizophrenia. The incident relates to the year 1987. The child was recovered immediately.

Accordingly, keeping in view the submissions made by the learned counsel for the petitioner, it is a fit case where the sentence qua imprisonment is liable to be reduced to already undergone by the petitioner.

Hence, the conviction of the petitioner under Section 363 IPC is maintained. However, the sentence qua the imprisonment of the petitioner is reduced to already undergone by him.

Petition stands disposed of accordingly.

(Sabina)
Judge

January 07, 2010
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